

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16296 of 2000

Between:

Andhra Pradesh Stamp Vendors Welfare Sangam, Registration No. 204/90, Rep by
Secretary P.Ramakrishnaiah, S/o Lakshmaiah Regd. Office, at Thatiparthi Village,
Anantapur District.

..... PETITIONER

AND

- 1 The Commissioner and Inspector General of Stamps, Government of
Andhra Pradesh, N.B.K. Estates, RTC X Roads, Hyderabad.
- 2 The Deputy Inspector General of Registration and Stamps,
Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the order passed by 2nd Respondent in his Circular Rc. No. A3/324/2000 dt. 28/4/2000 imposing unreasonable restrictions for the distribution of Stamps through the members of the Petitioner Sangam in Zone-III alone as illegal, arbitrary, discriminatory, violation of Articles 14, 19 (i)(g) of the Constitution of the India set aside the same and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.SRIDHAR REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution seeking a Mandamus declaring the impugned circular issued by the 2nd respondent as illegal and arbitrary.

The petitioner is the Andhra Pradesh Stamp Vendors Welfare Sangam represented by its secretary and it was a registered body under the provisions of Societies Registration Act.

It is the case of the writ petitioner-Welfare Sangam that in view of eruption of fake stamps problem in Hyderabad in August, 1999 and surfaced in April, 2000 in Visakhapatnam, certain instructions were issued by the 1st respondent-Commissioner and Inspector General of Stamps vide circular No.CS02/2263/2000 dated 10-04-2000. For the purpose of convenience, the instructions issued in the above circular is extracted hereunder:

“1. A team of officers will be constituted for each district in the zone by the Dy. Inspector General concerned to verify all the stamp purchases in the year 1999, with the records of the Stamp vendors/Stamp Counters concerned and satisfy about the genuineness of the purchase of stamps. A certificate to that effect from each D.R., in this regard should reach this office within two months from the receipt of this circular i.e., at least by the end of June, 2000.

2. All the Dist. Registrars are alerted to be watchful on the documents presented with Special adhesive stamps and Non-Judicial stamps purchased from S.Vs/Stamp Counters outside their district. Dist. Registrars are directed to instruct the Sub-Registrars also to verify the Stamp Vendors records every week and tally the stamps purchased from S.Vs., and to verify all the documents presented with Special adhesive stamps with reference to the records of stamp counter concerned.”

While so, the 2nd respondent-Deputy Inspector General of Registration & Stamps,

Guntur, issued the impugned circular referring to the instructions issued by the 1st respondent in the circular

dated 10-04-2000, in which certain instructions were issued contrary to the condition of license and the statutory rules. It is the case of the petitioner-Welfare Sangam that there are several Sub-Registration offices, without counters for the sale of stamps. The stamp vendors attached to the said registration offices are bound to procure the stamps from the concerned sub-treasuries. Apart from that in case, if any shortage from the respective sub-treasuries, the stamp vendors are bound to procure the stamps from other sub-treasuries. Similarly a prospective buyer of stamps may purchase stamps from a stamp vendor from a different place, other than the place of registration either due to the short supply of the stamps at the place of registration or due to his convenience. Therefore, the restriction imposed by the 2nd respondent is arbitrary and without jurisdiction.

A counter affidavit has been filed by the respondents stating that as per the rules, the stamp vendors should not vend the stamps at higher rate than the face value and exploit the public. Several complaints have also been received from the public about the exploitation of the stamp vendors. At the time of granting license, it is specifically stated that the licenses shall strictly adhere to the stipulation of license and instructions of the department issuing from time to time. They shall not resort to sale by antedate, alteration in endorsements, sale at higher rate than face value etc., It is also submitted that in the year 1995, the stamp vendors attached to Registrar Office, Guntur, sold the stamps with antedates which caused loss of crores of rupees to the state exchequer. On the above said allegation, some of licenses of stamp vendors were suspended and an enquiry has been initiated against them. Similar situations are also arisen not only in Guntur District but also in some of the Districts. Therefore, in the guise of implementing the circular dated 10-04-2000 issued by the 1st respondent, the 2nd respondent issued the impugned circular imposing the ceiling limit on the sale of stamps by the private stamp vendors.

Heard both sides.

Admittedly, the sale of alleged fake stamps is in the month of August 1999 in Hyderabad and surfaced in April 2000 in Visakhapatnam. Therefore, to curb the menace of sale of fake stamps, the 1st respondent issued certain instructions to all the District Registrars in the State vide circular dated 10-04-2000, wherein he directed all the District Registrars to verify all the stamps purchased in the year 1999 with the records of the Stamp

Vendor/Stamp Counters concerned and satisfy about the genuineness of the purchase of stamps and also further directed to submit a report to that effect within a period of two months from the date of receipt of the said circular i.e. at least by the end of June, 2000. In the said circular, he also further instructed all the Sub-Registrars to verify the Stamp Vendors records every week and tally the stamps purchased from S.Vs. and to verify all the documents presented with special adhesive stamps with reference to the records of stamp counter concerned. But instead of carrying the instructions issued by the 1st respondent, the 2nd respondent has issued the impugned circular wherein it is stated that the District Registrars shall ensure that the gross value of stamps sold by the stamp vendors in a month is not more than ten times the value of the security deposit made by the stamp vendors and that the stamp vendors should not sell five pieces of any denomination to a single individual on any day, which are contrary to the instructions issued by the 1st respondent. In view of the same, *prima-facie*, this court is satisfied that the circular issued by the 2nd respondent is in contrary to the terms and conditions of the circular issued by the 1st respondent.

The learned counsel for the petitioner raised an objection that under which provision of law, the 2nd respondent is empowered to issue the impugned circular. But, admittedly, nowhere in the counter it is stated that under which provision of law the 2nd respondent has derived such power to issue the impugned circular.

Having regard to the facts and circumstances of the case and in view of the objection raised by the learned counsel for the petitioner, the impugned order is liable to be set aside and is accordingly set aside.

Accordingly, the writ petition is allowed. No costs.

06-07-2005

Mjl/*

To,

- 1 The Commissioner and Inspector General of Stamps, Government of Andhra Pradesh, N.B.K. Estates, RTC X Roads, Hyderabad.
- 2 The Deputy Inspector General of Registration and Stamps, Guntur, Guntur District.
3. 2 CCS to G.P. for Revenue, High Court buildings, Hyderabad.
4. 2 CD copies.

*Form-NIC-OGS/WP{**RAGHU**}*